

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MYKAEL THOMAS PIERCE,

Defendant.

4:16-CR-3014

MEMORANDUM AND ORDER

This matter is before the Court on the defendant's notice of appeal of detention order (filing [28](#)). The defendant appeals the Magistrate Judge's detention order (filing [15](#)), as well as the Magistrate Judge's order (filing [27](#)) denying the defendant's motion for detention hearing (filing [25](#)). The defendant requests a hearing on his appeal. Under NECrimR 46.2(c),

When reviewing a magistrate judge's order of detention or release, a district judge may hear and consider additional evidence not considered by the magistrate judge if that evidence was not available to be presented to the magistrate judge at the hearing held under [18 U.S.C. § 3142\(f\)](#) or for other good cause shown. . . . Unless additional evidence is received on review, the district judge reviews an order of release or detention de novo on the record made before the magistrate judge.

Thus, unless the defendant makes a summary showing of additional evidence not available to be presented to the Magistrate Judge, or a summary showing of other good cause, the Court will not hold a hearing on the appeal. In the absence of such a showing, the Court will review the Magistrate Judge's detention order de novo, pursuant to NECrimR 46.2(c).

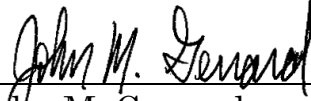
IT IS ORDERED:

1. The defendant may submit to the Court, on or before July 13, 2016, a summary showing either of additional evidence not available to be presented to the Magistrate Judge, or of other good cause.

2. If the defendant does not make such a showing on or before July 13, 2016, the Court will review the Magistrate Judge's detention order (filing [15](#)) de novo.

Dated this 6th day of July, 2016.

BY THE COURT:



John M. Gerrard
United States District Judge